

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JAMES GILLESPIE and DEBORAH GILLESPIE,  
Plaintiffs

v.

CIVIL ACTION NO. 01-10895-JLT

SEARS, ROEBUCK and COMPANY, and  
EMERSON ELECTRIC COMPANY, INC.,  
Defendants

AMENDED JUDGMENT IN A CIVIL CASE

TAURO, D.J.

**X**

**Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**IT IS ORDERED AND ADJUDGED :**      **Judgement** for the PLAINTIFF,  
JAMES GILLESPIE, in the amount of \$750,000.00 (SEVEN HUNDRED and FIFTY THOUSAND  
DOLLARS) plus pre-judgement interest at 12% per annum in the amount of \$211,479.45 and for  
the PLAINTIFF DEBORAH GILLESPIE, in the amount of \$100,000 (ONE HUNDRED THOUSAND DOLLARS),  
plus pre-judgement interest at the rate of 12% in the amount of \$26,196.26, applicable interest  
for a total amount of : \$1,087,693.71.

Dated: October 31, 2003

TONY ANASTAS, CLERK



( By ) Deputy Clerk

# United States District Court

DISTRICT OF  
MASSACHUSETTS

JAMES GILLESPIE AND DEBORAH GILLESPIE

## BILL OF COSTS

V.  
SEAR, ROEBUCK and COMPANY and  
EMERSON ELECTRIC COMPANY, INC.

Case Number: 01-CV-10895-JLT

Sears, Roebuck and Company  
and Emerson Electric Company, Inc.

Judgment having been entered in the above entitled action on 6/23/03 against Sears, Roebuck and Company and Emerson Electric Company, Inc.  
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$ 362.00
Fees for service of summons and subpoena .....	613.20
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case .....	4,044.70
Fees and disbursements for printing .....	
Fees for witnesses (itemize on reverse side) .....	392.13
Fees for exemplification and copies of papers necessarily obtained for use in the case .....	3,249.48
Docket fees under 28 U.S.C. 1923 .....	
Costs as shown on Mandate of Court of Appeals .....	
Compensation of court-appointed experts .....	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	
Other costs (please itemize) .....	
<b>TOTAL \$</b>	<b>8,661.51</b>

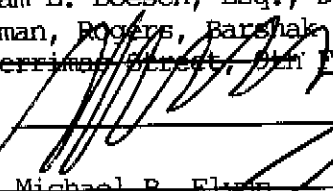
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

### DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: William L. Boesch, Esq., David A. Barry, Esq.

Sugarman, Rogers, Barnhak & Cohen, P.C.

101 Merriman Street, 8th Fl., Boston, MA 02114

Signature of Attorney: 

Name of Attorney: Michael B. Flynn

For: James Gillespie and Deborah Gillespie

Name of Claiming Party

Costs are taxed in the amount of \$ 8,661.51

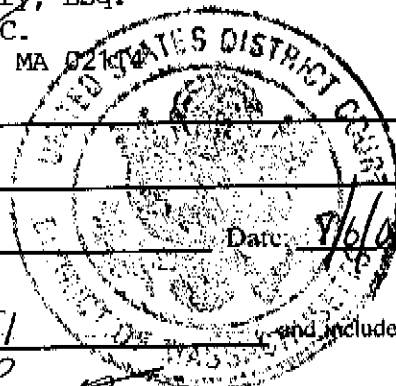
**TONY ANASTAS**

Clerk of Court

By: Vita Louie

Deputy Clerk

Date: 10/31/03



WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Days	Total Cost	
John M. Orlowski 11 Vanderbilt Avenue, Suite 120 Norwood, MA 02062	2/14/03	40			65M	21.13	\$ 115.43
	6/9/03	40			44M	14.30	
	5/2/03	40			48M	15.60	
	6/3/03	40			428M	39.10	
Matthew C. Baum 861 Washington Avenue Washington TWSP., NJ 07676					Parking	15.00	\$ 276.70
					Parking	27.00	
		\$160.00			TOTAL		\$ 392.13

### NOTICE

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

**See also Section 1920 of Title 28, which reads in part as follows:**

"A bill of costs shall be filed in the case and upon allowance, included in the judgment or decree."

**The Federal Rules of Civil Procedure contain the following provisions:**

**Rule 54 (d)**

"Except where express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

**Rule 6 (e)**

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

**Rule 58 (In Part)**

"Entry of the judgment shall not be delayed for the taxing of costs."

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

JAMES GILLESPIE and DEBORAH  
GILLESPIE,

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vs.

SEARS, ROEBUCK & COMPANY and  
EMERSON ELECTRIC COMPANY, INC.,  
Defendants.

C.A. No.: 01-10895-JLT

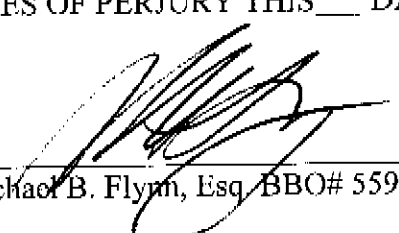
**AFFIDAVIT OF MICHAEL B. FLYNN, ESQ.**

I, Michael B. Flynn, of Braintree, Massachusetts, do hereby swear and depose as follows:

1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts;
2. I am the president/owner of Flynn & Associates, P.C., a law firm whose office is located at 189 State Street, Sixth Floor, Boston, MA 02109;
3. I am responsible for the handling and supervision of the work performed by Flynn & Associates, P.C., on this case;
4. From approximately June 23, 1999, to the present I have represented the plaintiffs, James Gillespie and Deborah Gillespie, in the above-entitled matter;
5. I have attached hereto as Exhibit "A" a copy of an itemization of taxable costs incurred on the plaintiffs' behalf by Flynn & Associates, P.C., in connection with the above-captioned action. Flynn & Associates, P.C.'s taxable costs total \$8,269.38.
6. I have also attached hereto as Exhibit "B" copies of receipts pertaining to travel and parking expenses in support of the plaintiffs' claim for taxation of allowable witness fees.
7. The total of taxable costs incurred by Flynn & Associates, P.C. is \$8,661.51
8. All of the taxable costs incurred by Flynn & Associates, P.C., were reasonably necessary to the prosecution of the above-captioned action;

9. I have ascertained that the information which is the subject of this affidavit is based on my own memory and recollection of the events and circumstances of the subject litigation and by reviewing the books, records and documents which are kept by Flynn & Associates, P.C., in the normal, ordinary and customary course of its business operations, including, but not limited to, those documents received in connection with the above-captioned action.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 5<sup>th</sup> DAY  
OF August, 2003.

  
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Michael B. Flynn, Esq. BBO# 559023